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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,434	01/22/2001	Setsu Kunitake	108401	9025

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EXAMINER
SAIN, GAUTAM

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/765,434	KUNITAKE ET AL.
	Examiner	Art Unit	
	Gautam Sain	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 March 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *3/19/01*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1)   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1-1)   Claims 1,2,3,5,6,11,7,8,9,10 are rejected under 35 U.S.C. 102(e) as being

anticipated by Burkett et al (US 6635089, filed Jan 1999).

Regarding claim 1, Burkett teaches "instruction providing means ... containing

the document part" (ie., DOM ... abstraction of a document ... manipulate document

structure; SGML)(col 1, lines 35-40; col 4, lines 20-30).

Burkett teaches "analyzing means ... parse tree" (ie., XML parser ... DOM

tree)(col 2, lines 44-47).

Burkett teaches "instruction ... analyzing" (ie., constructing DOM tree ...

detecting tags from files for corresponding data)(col 4, lines 20-50).

Burkett teaches "document processing ... processing the first and second

structured documents" (ie., document ... DOM tree ... updated dynamically ...

refreshing the DOM tree periodically)(col 3, line 60 – col 4, line 64)(ie., periodically

refreshing the content of an XML document)(col 3, lines 35 – 42).

Burkett teaches "extracting ... first structured document" (ie., abstraction of a document ...)(col 1, lines 35-40).

Burkett teaches "repetitive duplication ... number of times" (ie., periodic refreshes ... as defined by the user)(ie., col 3, lines 30-40).

Burkett teaches "inserting/substituting ... second document part" (ie., ... refreshing content ... updating)(col 3, lines 30-40).

Burkett teaches "an interpreter ... inserting/substituting means" (ie., detecting tags ... creating, updating DOM tree ... updating, refreshing)(col 4, lines 21-65).

Regarding claim 2, Burkett teaches "extraction instruction ... document part" (ie., data retrieval for each tag .. parameters) (ie., col 4, lines 30-35).

Burkett teaches "insertion/substitution ... document part" (ie., ... updating the encoded file ... one or more tags)(col 4, lines 35-40).

Burkett teaches "instruction separating means ... structured document" (ie., abstraction of a document ... DOM)(col 1, lines 35-50).

Burkett teaches "inserting/substituting means ... attribute substitution instruction" (ie., DOM interface ... change content ... revise XML document" (col 2, lines 44-55).

Burkett teaches "interpreter ... substitution instruction" (ie., construct DOM tree ... detects tags ... periodically refreshing DOM tree according to ... syntax" (col 4, lines 21-50).

Regarding claim 3, Burkett teaches "the attribute substring means makes, in accordance ... the system" (ie., refresh tags in the DOM tree ... refreshing the DOM tree" (col 4, lines 51-65).

Regarding claim 5, Burkett teaches "inserting/substituting ... extracting means" (ie., retrieval, constructional DOM tree ... periodic refresh)(col 4, lines 25-64).

Regarding claim 6, Burkett teaches "inserting/substituting means ... extraction instruction" (ie., XML notation can be marked up ... DOM tree ... updated dynamically to reflect changing info)(col 3, lines 60-67).

Regarding claim 7, Burkett teaches "a file server ... network" (ie., input file, connected on a network server for accessing data repositories)(col 4, lines 1-35; col 6, line 9)(ie., file store)(col 7, lines 54-55).

Burkett teaches "a structured ... for the file" (ie., server ... XML documents and DOM trees)(col 7, lines 30-35).

Burkett teaches "input means ... corresponding to the file name from the file server via the network" (ie., XML input file to the XML parser construct DOM tree ... revised XML document)(col 2, lines 44-55; col 4, lines 20-40).

Burkett teaches "document processing ... synthesize a structured document" (ie., data retrievals ... creating DOM tree ... updating file ... refreshing using syntax)(col 4, lines 20-67).

Burkett teaches "output means ... via the network" (ie., revising XML document to reflect changes ... online directory services)(col 2, lines 44-67).

Regarding claim 8, Burkett teaches "processing invocation ... server is contained" (ie., server ... in response to request from client)(col 7, lines 30-47).

Burkett teaches "at least first ... network" (ie., servers)(col 7, lines 30-35).

Burkett teaches "in a first processing ... document processing server" (ie., web server retrieves information from a file store)(col , lines 25-67).

Burkett teaches "the first structured document ... first original document and/or first template" (ie., retrieve data ... DOM tree ... updated to reflect changing information)(col 4, lines 15-67).

Regarding claim 9, Burkett teaches "second structure document ... server via the network" (ie., server not in a network)(col 7, lines 30-40).

Burkett teaches "first structured document ... as a parse tree" (ie., XML parser ... construct DOM tree ... revised to reflect changes ...).

Regarding claim 10, Burkett teaches "holding means ... invocation description" (ie., XML parser ... DOM tree ... given XML input file)(col 2, lines 44-55).

Burkett teaches "input means ... holding means" (ie., XML input file from the database ...)(col 2, lines 40-55).

Regarding claim 11, Burkett teaches "structured document ... instruction is embedded" (ie., abstraction of document)(col 1, lines 35-40)(ie., refreshing content periodically)(col 3, lines 30-42).

Regarding claim 12, Burkett teaches "analyzing means ... parse tree" (ie., XML parser ... DOM tree)(col 2, lines 44-47).

Burkett teaches "separating means ... error of the instruction" (ie., detecting ... error condition ... encoded file updated to reflect results)(col 4, lines 40-50; col 12, lines 5-55; fig 4F –4H)(dynamic data retrievals ... DOM trees)(col 3-4, summary section).

Burkett teaches "error ... document for error notice" (ie., encoded file has result

of error condition)(col 4, lines 40-50).

Burkett teaches "processing invocation ... generate a document ... error notice

document" (ie., error handling ... detect error occurred; encoded file ... error

condition)(col 12, lines 5-67).

Burkett teaches "processing invocation ... error notice document" (ie., keyword

"ERROR")(col 12, lines 5-67).

Burkett teaches "holding ... document" (ie., encoded file)(col 4, lines 40-50).

Regarding claim 13, Burkett teaches "analyzing means ... parse tree" (ie., XML

parser ... DOM tree)(col 2, lines 44-47).

Burkett teaches "scanning the parse tree ... instruction" (ie., detecting ... error

condition ... data retrieval tags ... encoded file updated to reflect results)(col 4, lines 40-

50; col 12, lines 5-55; fig 4F –4H).

Burkett teaches "merging and sorting ... document processing ... structured

document" (ie., error handling ... detect error occurred; encoded file ... error condition.

The encoded file serves as a place where the error handling process is merged and

inherently sorted according to some rule; deals with XML documents)(col 12, lines 5-67;

summary section).

Burkett teaches "interpreting ... structured document" (ie., encoded file has result

of error condition; DOM trees using dynamic data retrievals)(col 4, lines 40-50; col 2-4,

summary section).

Claim Rejections - 35 USC § 103

2)   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negated by the manner in which the invention was made.

2-1)   Claims 4, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Burkett et al (as cited above), in view of Chau et al (US 6643633, provisional

60168659, filed on Dec 2, 1999).

Regarding claim 4, Burkett does not expressly teach, but Chau teaches

"extraction instruction ... path name" (ie., document access ... xpath)(col 3, lines 29).

Burkett teaches "each of the repetitive ... pattern expression" (ie., email

character string)(col 2, lines 5-14).

Burkett teaches "instruction separating means ... pattern expressions" (ie., DOM

tree retrieval ... updating, refreshing periodically ...)(col 4, lines 20-64).

Burkett teaches "repetitive duplication means ...number of document parts" (ie.,

repeatable refresh that is based upon occurrence of specified condition ...)(col 15, lines

4 – 10). Burkett does not expressly teach, but Chau teaches "matching path name" (ie.,

mapping from one DOM structure to another)(col 115, claim 1).

Burkett does not expressly teach but Chau teaches " inserting/substituting ...

matching path name)(ie., mapping data XML data from one table to another ...

transforming data)(col 115 – 116, claim 1, claim 8).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify Burkett to include path names for mapping a second document

object model tree from the first, transforms data and generates XML documents with
recursive processing as taught by Chau, providing the benefit of an improved technique
of generating XML documents from relational data and decomposing an XML document
and storing the decomposed data and sorting into a user-specified order (Chau, col 2,
lines 48-61).

Regarding claim 14, Burkett teaches "analyzing a first ... to generate a parse
tree" (ie., XML parser ... DOM tree)(col 2, lines 44-47).

Burkett does not expressly teach, but Chau teaches "analyzing a second ...
inserting/substitution ... generate a parse tree" (ie., second document object model tree
using the document access definition ... mapping the data)(col 115, claim 1)(generated
by parsing the document access definition and mapping data)(col 115-116, claims
1,2,3,10).

Burkett teaches "...separating means ... error of the instruction" (ie., detecting ...
error condition ... encoded file updated to reflect results)(col 4, lines 40-50; col 12, lines
5-55; fig 4F –4H)(dynamic data retrievals ... DOM trees)(col 3-4, summary section).

Burkett does not expressly teach, but Chau teaches "merging and sorting ...
generating a document ... second structured documents" (ie., transforming data shows
substitution of data)(col 115-116)(claim 8 – 10)(data is sorted in a user-specified
order)(col 2, lines 25-27).

Burkett teaches "interpreting ... structured document" (ie., encoded file has result
of error condition; DOM trees using dynamic data retrievals)(col 4, lines 40-50; col 2-4,
summary section).

Burkett teaches "interpreting the document ... given number of times" (ie., repeatable refresh that is based upon occurrence of specified condition ...)(col 15, lines 4 – 10).

Burkett does not expressly teach, but Chau teaches "interpreting the document processing ... second document part" (ie., prior to transforming data, mapping and parsing the first document object model tree ...)(col 115, claims 1-8).

Burkett does not expressly teach, but Chau teaches "outputting a ... " (ie., mapping ... generating XML documents ... traverse DOM tree ... recursive processing ... output XML document)(col 115, claims 1-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Burkett to include a second document object model tree that maps the data from the first, transforms data and generates XML documents with recursive processing as taught by Chau, providing the benefit of an improved technique of generating XML documents from relational data and decomposing an XML document and storing the decomposed data and sorting into a user-specified order (Chau, col 2, lines 48-61).

Other Cases

3) A.   DeRose et al (US 6546406, filed Nov 1998).

    B.   Sato et al (US 6014680, issued Jan 11, 2000).

    C.   Cohen et al (US 5367621, issued Nov 22, 1994).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 703-305-8777. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (703)305-9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gautam Sain

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER